

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**ANESTHESIA ASSOCIATES OF  
ANN ARBOR, PLLC,**

Plaintiff,

v.

**BLUE CROSS BLUE SHIELD  
OF MICHIGAN,**

Defendant.

2:20-CV-12916

**ORDER DIRECTING  
DEFENDANT TO ANSWER  
AND DENYING  
DEFENDANT'S MOTION TO  
STAY DISCOVERY**

Plaintiff Anesthesia Associates of Ann Arbor, PLLC filed its complaint seeking to enjoin Defendant Blue Cross Blue Shield of Michigan from engaging in various anticompetitive activities. ECF No. 1, PageID.88-89. Plaintiff also seeks damages resulting from Defendant's tortious conduct under Michigan law and violations of the Sherman Act and Clayton Act. *Id.* Defendant responded with a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6).

Courts may set a time for serving an answer after a motion has been served under Federal Rule of Civil Procedure 12. *See* Fed. R. Civ. P. 12(a)(4) ("Unless the court sets a different time, serving a motion under this rule alters these periods as follows..."); *Hill v. Blue Cross and Blue Shield of Michigan*, 237 F.R.D. 613, 617 (E.D. Mich. 2006) ("[T]his Court recognizes that Rule 12(a)(4) also provides that a court may order an

answer to be filed at a time other than after the motion to dismiss has been denied or the court has postponed consideration of the motion.”) (citing Fed. R. Civ. P. 12(a)(4)). Having the Defendant’s answer filed before the motion to dismiss is resolved will advance the litigation in a fair and efficient manner.

Accordingly, the Court **ORDERS** that the Defendant must file its answer to the complaint within 45 days of the date of this Order. Defendant’s motion to stay discovery pending resolution of its motion to dismiss is therefore denied as moot. *See* ECF No. 14. Discovery will commence after the answer is filed.

**IT IS SO ORDERED.**

Dated: February 23, 2021      s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE